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6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendants
7 *Scottsdale Indemnity Company*

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 CENTEX HOMES, a Nevada general
12 partnership,

13 Plaintiff,

14 vs.

15 FINANCIAL PACIFIC INSURANCE
COMPANY, a California corporation; FIRST
16 SPECIALTY INSURANCE
CORPORATION, a Missouri corporation
17 GREENWICH INSURANCE COMPANY, a
Connecticut corporation; INTERSTATE FIRE
18 & CASUALTY COMPANY, an Illinois
corporation; LEXINGTON INSURANCE
19 COMPANY, a Delaware corporation;
NAVIGATORS SPECIALTY INSURANCE
20 COMPANY, a New York corporation;
SCOTTSDALE INDEMNITY COMPANY,
21 an Ohio corporation; ST. PAUL FIRE &
MARINE INSURANCE COMPANY a
22 Connecticut corporation; NATIONAL FIRE &
MARINE INSURANCE COMPANY, a
23 Nebraska corporation; IRONSHORE
SPECIALTY INSURANCE COMPANY, an
24 Arizona corporation; and ZURICH
AMERICAN INSURANCE COMPANY, a
25 New York corporation,

26 Defendants.
27
28

CASE NO. 2:19-cv-01034-JCM-DJA

**STIPULATION AND ORDER FOR
DISMISSAL OF ALL CLAIMS AGAINST
SCOTTSDALE INSURANCE COMPANY**

1 Plaintiff CENTEX HOMES ("Centex") and Defendant SCOTTSDALE INSURANCE
2 COMPANY ("Scottsdale") (erroneously sued and served herein as Scottsdale Indemnity
3 Company), by and through their respective undersigned counsel of record, agree and stipulate that
4 all claims in the above entitled action by Centex against Scottsdale shall be dismissed in their
5 entirety, with prejudice, each party to bear its own costs and attorneys' fees.

6 Dated this 10th day of December, 2020.

Dated this 10th day of December, 2020.

7
8 /s/ Priscilla L. O'Briant

/s/ Sarah J. Odia

9 ROBERT W. FREEMAN, ESQ.
Nevada Bar No. 3062
10 PRISCILLA L. O'BRIANT, ESQ.
Nevada Bar No. 10171
11 LEWIS BRISBOIS BISGAARD & SMITH
6385 S. Rainbow Blvd., Suite 600
12 Las Vegas, Nevada 89118
13 Attorneys for Scottsdale

SCOTT S. THOMAS, ESQ.
Nevada Bar No. 7937
SARAH J. ODIA, ESQ.
Nevada Bar No. 11053
PAYNE & FEARS LLP
6385 S. Rainbow Blvd., Suite 220
Las Vegas, Nevada 89118
Attorneys for Plaintiff

14
15 **ORDER**

16 IT IS SO ORDERED.

17 Dated December 14, 2020.

18
19
20 
21 U.S. DISTRICT COURT JUDGE
22
23
24
25
26
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Archived: Thursday, December 10, 2020 8:57:16 AM

From: [O'Briant, Priscilla](#)

Sent: Wednesday, December 9, 2020 8:04:38 PM

To: [Cordell, Anne](#)

Subject: FW: Centex - Carlan/Maples -- Scottsdale Insurance Company

Response requested: No

Sensitivity: Normal

Please proceed with filing. Sorry if I missed it.

Priscilla L. O'Briant

Partner

Las Vegas Rainbow

702.693.4388 or x7024388

From: Sarah J. Odia <sjo@paynefears.com>

Sent: Tuesday, December 8, 2020 7:49 PM

To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

No problem. This looks good. You can file it. Thanks.

Sarah J. Odia

Partner



PAYNE & FEARS LLP • 6385 South Rainbow Boulevard, Suite 220, Las Vegas, NV 89118

Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315

www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Sent: Tuesday, December 8, 2020 4:17 PM

To: Sarah J. Odia <sjo@paynefears.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Yes, it's exactly that kind of afternoon! See attached.

Priscilla L. O'Briant
Partner



Priscilla.Obriant@lewisbrisbois.com

T: 702.693.4388 F: 702.893.3789

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From: Sarah J. Odia <sjo@paynefears.com>

Sent: Tuesday, December 8, 2020 3:36 PM

To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Hi Priscilla,

We did receive it. Can you send me the stipulation? It wasn't attached to your email.

Sarah J. Odia

Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Sent: Tuesday, December 8, 2020 2:58 PM

To: Sarah J. Odia <sjo@paynefears.com>

Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sara – we send the settlement check overnight for delivery on October 21, 2020 to the address noted below. We were waiting for delivery confirmation to send the proposed SAO but did not receive. However, since we have not heard from you, I believe it was likely received. If not, please let me know.

If it was, please provide your authorization to file the attached stipulation and order with your electronic signature. Thank you.

Payne & Fears

Jamboree Center

4 Park Plaza, Suite 1100

Irvine, CA 92614
Attn: Scott S. Thomas
Phone: (949) 851-1100



Priscilla L. O'Briant
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From: Sarah J. Odia <sjo@paynefears.com>
Sent: Monday, October 19, 2020 1:36 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Yes. The information you have is correct. Thank you.

Sarah J. Odia
Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Monday, October 19, 2020 1:32 PM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – please confirm the information below is correct to send the check. Additionally, can you let me know when it is received and I'll provide the stipulation for dismissal. Thank you.

Payne & Fears
Jamboree Center
4 Park Plaza, Suite 1100
Irvine, CA 92614
Attn: Scott S. Thomas

From: Sarah J. Odia <sjo@paynefears.com>
Sent: Monday, October 19, 2020 1:05 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>; Tiffani Engstrom <TENGSTROM@paynefears.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Centex's signature to the settlement agreement is attached.

Sarah J. Odia
Partner



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From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Friday, October 9, 2020 8:56 AM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Thank you.

From: Sarah J. Odia <sjo@paynefears.com>
Sent: Thursday, October 8, 2020 7:17 PM
To: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Hi Priscilla,

These changes are fine. I'll accept them and send this to Centex for signature.

Sarah J. Odia

Partner



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Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315
www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>
Sent: Wednesday, October 7, 2020 6:32 PM
To: Sarah J. Odia <sjo@paynefears.com>
Cc: Hilary A. Williams <HAW@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: FW: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – the Court granted our motion for good faith settlement. Attached please find the proposed release with minor redlines. We are in receipt of the settlement check so once this is finalized can mail to the appropriate address.

From: O'Briant, Priscilla
Sent: Wednesday, July 29, 2020 3:47 PM
To: 'Sarah J. Odia' <sjo@paynefears.com>
Cc: Hilary A. Williams <haw@paynefears.com>; Erica Bennett-Mendoza <ebennettmendoza@paynefears.com>; Freeman, Kristen <Kristen.Freeman@lewisbrisbois.com>; Cordell, Anne <Anne.Cordell@lewisbrisbois.com>
Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – attached hereto please find the release with minor redlines. Also, my client jumped the gun slightly and sent the settlement check to our office. Please advise how you would like to address in the release. Thank you.

From: Sarah J. Odia [<mailto:sjo@paynefears.com>]
Sent: Tuesday, July 21, 2020 3:41 PM
To: O'Briant, Priscilla
Cc: Hilary A. Williams; Erica Bennett-Mendoza; Freeman, Kristen; Cordell, Anne
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Thank you for the update.

Sarah J. Odia
Partner



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www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla
Sent: Tuesday, July 21, 2020 3:40 PM

To: Sarah J. Odia

Cc: Hilary A. Williams ; Erica Bennett-Mendoza ; Freeman, Kristen ; Cordell, Anne

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah, I have reviewed and provided to my client for approval. She is out today, returning tomorrow, and I expect I can have the final release back to you before end of week.

As you have probably seen, we filed the motion for determination of good faith settlement today. If no one opposes, I will file a notice of non-opposition and a proposed order on August 4, 2020.

As the settlement is contingent on this, I don't see how we can proceed with execution and payment until the order is signed

However, I will ensure that the release is approved and my client has all necessary information to issue payment at that time.

Thank you.

From: Sarah J. Odia [<mailto:sjo@paynefears.com>]

Sent: Tuesday, July 21, 2020 1:33 PM

To: O'Briant, Priscilla

Cc: Hilary A. Williams; Erica Bennett-Mendoza

Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla,

Attached is a draft settlement agreement between Centex and Scottsdale. Please let me know as soon as possible whether you have any changes.

Sarah J. Odia

Partner



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Direct 702.851.0303 • Main 702.851.0300 • Fax 702.851.0315
www.paynefears.com • email: sjo@paynefears.com

From: O'Briant, Priscilla <Priscilla.Obriant@lewisbrisbois.com>

Sent: Tuesday, July 7, 2020 9:50 AM

To: Sarah J. Odia <sjo@paynefears.com>

Cc: Hilary A. Williams <haw@paynefears.com>

Subject: RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

Sarah – the concern is that any of the other insurers could argue that we owe them contribution based on the co-equal duty to defend by all insurers. I am happy to reconsider if you know of any law that says this is not the case. I am pretty sure the Court will grant the motion once my client makes the required showing.



Priscilla L. O'Briant
Partner
Priscilla.Obriant@lewisbrisbois.com
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From: Sarah J. Odia [<mailto:sjo@paynefears.com>]
Sent: Tuesday, July 7, 2020 9:29 AM
To: O'Briant, Priscilla
Cc: Hilary A. Williams
Subject: [EXT] RE: Centex - Carlan/Maples -- Scottsdale Insurance Company

External Email

Priscilla,

Would you like our office to draft the settlement agreement? I'm not sure whether the court will grant a good faith settlement motion. Don't good faith settlements bar claim by joint tortfeasors only?

Sarah J. Odia
Partner



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From: ed ostermediation.com <ed@ostermediation.com>
Sent: Monday, July 6, 2020 6:02 PM
To: Sarah J. Odia <sjo@paynefears.com>; Priscilla L. O'Briant Esq. <priscilla.obriant@lewisbrisbois.com>
Subject: Centex - Carlan/Maples -- Scottsdale Insurance Company

Priscilla and Sarah,

This will confirm that your clients have agreed to settle this matter for \$45,000. The only condition is that the settlement receive approval from the court by way of a good faith determination or comparable disposition acceptable to the parties.

It has been a pleasure working with both of you on this matter. I very much appreciate the efforts you contributed to this result.

Best regards, Ed



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